

12/10/01  
JC92

12-17-01

PTO/SB/05 (12/97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	DE920000124US1	Total Pages	29
First Named Inventor or Application Identifier			
Christian Bolik			
Express Mail Label No.		ET580099288US	

12/10/01  
JC580 U.S. PTO**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2.  Specification (Total Pages) 24  
(Preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Application
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3.  Drawing(s) (35 USC 113) (Total Pages) 5
4. Oath or Declaration (Total Pages) \_\_\_\_\_
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
(for continuation /divisional with Box 17 completed)  
[Note Box 5 below]
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5.  Incorporation by Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**Assistant Commissioner for Patents**  
ADDRESS TO: Box Patent Application  
Washington, DC 20231

6.  Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Copy
  - b.  Paper Copy (identical to computer copy)
  - c.  Statement verifying identify of above copies

**ACCOMPANYING APPLICATION PARTS**

8.  Assignment Papers (cover sheet & document(s))
9.  37 CFR 3.73(b) Statement (when there is an assignee)  Power of Attorney
10.  English Translation Document (if applicable)
11.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
12.  Preliminary Amendment
13.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
14.  Small Entity  Statement filed in prior application, Statement(s)  Status still proper and desired
15.  Certified Copy of Priority Document(s) if foreign priority is claimed
16.  Other: Express Mail Certificate

**17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:**

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No.:

**18. CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label \_\_\_\_\_  
 Or Correspondence address below

NAME	Brian C. Kunzler				
ADDRESS	10 West 100 South				
CITY	Salt Lake City	STATE	Utah	ZIP	84101
COUNTRY	United States	TELEPHONE	(801) 994-4646	FAX	(801) 322-1054

**Assignee Name:** INTERNATIONAL BUSINESS MACHINES CORPORATION

**Assignee Residence:** Armonk, New York

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231.  
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

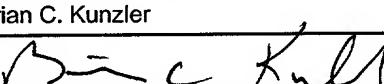
Please type a plus sign (+) inside this box →  +

PTO/SB/05 (12/97)  
Approved for use through 9/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL</b>		<b>Complete If Known</b>	
		Application Number	Not yet assigned
		Filing Date	December 10, 2001
		First Named Inventor	Christian Bolik
		Group Art Unit	
		Examiner Name	
<b>TOTAL AMOUNT OF PAYMENT</b>	<b>\$ 908</b>	Attorney Docket Number	DE920000124US1

<b>METHOD OF PAYMENT (check one)</b>		<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																																																							
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: <u>09-0466</u></p> <p>Deposit Account Name: <u>IBM CORPORATION</u></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17      <input type="checkbox"/> Charge the Issue Fee In 37 CFR at the Mailing of the Notice of Allowance</p>		<p><b>3. ADDITIONAL FEES</b></p> <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147</td> <td>2520</td> <td>147</td> <td>2520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113</td> <td>1840*</td> <td>113</td> <td>1840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116</td> <td>400</td> <td>216</td> <td>200</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117</td> <td>920</td> <td>217</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>118</td> <td>1440</td> <td>218</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128</td> <td>1960</td> <td>228</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>320</td> <td>219</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>320</td> <td>220</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>280</td> <td>221</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1510</td> <td>138</td> <td>1510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive - intentional</td> <td></td> </tr> <tr> <td>141</td> <td>1280</td> <td>241</td> <td>640</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>142</td> <td>1280</td> <td>242</td> <td>640</td> <td>Utility issue fee</td> <td></td> </tr> <tr> <td>143</td> <td>460</td> <td>243</td> <td>230</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>144</td> <td>620</td> <td>244</td> <td>310</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>123</td> <td>50</td> <td>123</td> <td>50</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>126</td> <td>180</td> <td>126</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>581</td> <td>40</td> <td>581</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>146</td> <td>740</td> <td>246</td> <td>370</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>149</td> <td>740</td> <td>249</td> <td>370</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td colspan="2">Other fee (specify) _____</td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2"><b>SUBTOTAL (1)</b></td> <td colspan="2"><b>\$ 740</b></td> <td colspan="2"></td> </tr> <tr> <td colspan="2"><b>2. CLAIMS</b></td> <td><b>Extra</b></td> <td><b>Fee from below</b></td> <td><b>Fee Paid</b></td> <td></td> </tr> <tr> <td>Total Claims</td> <td>20</td> <td>-20 =</td> <td>0</td> <td>18</td> <td>= 0</td> </tr> <tr> <td>Ind. Claims</td> <td>5</td> <td>-3 =</td> <td>2</td> <td>84</td> <td>= 168</td> </tr> <tr> <td>Multiple Dep. Claims</td> <td></td> <td></td> <td>0</td> <td>280</td> <td>= 0</td> </tr> <tr> <td colspan="2"><b>SUBTOTAL (2)</b></td> <td colspan="2"><b>\$ 168</b></td> <td colspan="2"></td> </tr> <tr> <td colspan="6" style="text-align: center;">*Reduced by Basic Filing Fee      <b>SUBTOTAL (3)</b>      <b>\$ 0</b></td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2520	147	2520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1840*	113	1840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1440	218	720	Extension for reply within fourth month		128	1960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1510	138	1510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - intentional		141	1280	241	640	Petition to revive - unintentional		142	1280	242	640	Utility issue fee		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____						<b>SUBTOTAL (1)</b>		<b>\$ 740</b>				<b>2. CLAIMS</b>		<b>Extra</b>	<b>Fee from below</b>	<b>Fee Paid</b>		Total Claims	20	-20 =	0	18	= 0	Ind. Claims	5	-3 =	2	84	= 168	Multiple Dep. Claims			0	280	= 0	<b>SUBTOTAL (2)</b>		<b>\$ 168</b>				*Reduced by Basic Filing Fee <b>SUBTOTAL (3)</b> <b>\$ 0</b>					
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																				
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																						
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																																																					
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																																					
139	130	139	130	Non-English specification																																																																																																																																																																																																																					
147	2520	147	2520	For filing a request for reexamination																																																																																																																																																																																																																					
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																					
113	1840*	113	1840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																					
115	110	215	55	Extension for reply within first month																																																																																																																																																																																																																					
116	400	216	200	Extension for reply within second month																																																																																																																																																																																																																					
117	920	217	460	Extension for reply within third month																																																																																																																																																																																																																					
118	1440	218	720	Extension for reply within fourth month																																																																																																																																																																																																																					
128	1960	228	980	Extension for reply within fifth month																																																																																																																																																																																																																					
119	320	219	160	Notice of Appeal																																																																																																																																																																																																																					
120	320	220	160	Filing a brief in support of an appeal																																																																																																																																																																																																																					
121	280	221	140	Request for oral hearing																																																																																																																																																																																																																					
138	1510	138	1510	Petition to institute a public use proceeding																																																																																																																																																																																																																					
140	110	240	55	Petition to revive - intentional																																																																																																																																																																																																																					
141	1280	241	640	Petition to revive - unintentional																																																																																																																																																																																																																					
142	1280	242	640	Utility issue fee																																																																																																																																																																																																																					
143	460	243	230	Design issue fee																																																																																																																																																																																																																					
144	620	244	310	Plant issue fee																																																																																																																																																																																																																					
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																																																					
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																																																					
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																																					
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																					
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																																					
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																					
Other fee (specify) _____																																																																																																																																																																																																																									
<b>SUBTOTAL (1)</b>		<b>\$ 740</b>																																																																																																																																																																																																																							
<b>2. CLAIMS</b>		<b>Extra</b>	<b>Fee from below</b>	<b>Fee Paid</b>																																																																																																																																																																																																																					
Total Claims	20	-20 =	0	18	= 0																																																																																																																																																																																																																				
Ind. Claims	5	-3 =	2	84	= 168																																																																																																																																																																																																																				
Multiple Dep. Claims			0	280	= 0																																																																																																																																																																																																																				
<b>SUBTOTAL (2)</b>		<b>\$ 168</b>																																																																																																																																																																																																																							
*Reduced by Basic Filing Fee <b>SUBTOTAL (3)</b> <b>\$ 0</b>																																																																																																																																																																																																																									

<b>SUBMITTED BY</b>			<b>Complete (if applicable)</b>	
Typed or Printed Name	Brian C. Kunzler		Reg. Number	38,527
Signature			Date	Dec 10, 2001
Deposit Account User ID				

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT APPLICATION  
Docket No.: DE920000124US1

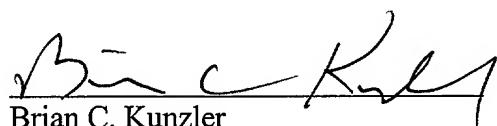
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No.: ET580099288US

Date of Deposit: December 10, 2001

I hereby certify that this patent application in the name of Christian Bolik, Peter Gemshaeger, and Klaus Schroiff for METHOD AND SYSTEM FOR SCALABLE, HIGH PERFORMANCE HIERARCHICAL STORAGE MANAGEMENT, together with the drawings, an Information Disclosure Statement, PTO Form 1449, Certified Copy of Foreign Priority Document, and Copies of Cited References are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above in an envelope addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

  
Brian C. Kunzler  
Reg. No. 38,527  
Attorney for Applicant

Date: December 10, 2001

Brian C. Kunzler, P.C.  
10 West 100 South, Suite 425  
Salt Lake City, Utah 84101  
Telephone: 801/994-4646